



Rep. JoAnn D. Osmond

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09800HB0163ham003

LRB098 04212 OMW 42562 a

1 AMENDMENT TO HOUSE BILL 163

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 163 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section  
5 5-12001.2 as follows:

6 (55 ILCS 5/5-12001.2 new)

7 Sec. 5-12001.2. Regulation of a telecommunications  
8 facilities; Lake County pilot project.

9 In addition to any other requirements under this Division  
10 concerning the regulation of telecommunications facilities,  
11 the following applies to any new telecommunications facilities  
12 in Lake County that are not AM telecommunications towers or  
13 facilities:

14 (a) For every new wireless telecommunications facility  
15 requiring a new tower structure, a telecommunications carrier  
16 shall provide the county with documentation consisting of the

1 proposed location, a site plan, and an elevation that  
2 sufficiently describes a proposed wireless facility location.

3 (b) The county shall have 7 days to review the facility  
4 proposal and contact the telecommunications carrier in writing  
5 via e-mail or other written means as specified by the  
6 telecommunications carrier. This written communication shall  
7 either approve the proposed location or request a meeting to  
8 review other possible alternative locations. If requested, the  
9 meeting shall take place within 7 days after the date of the  
10 written communication.

11 (c) At the meeting, the telecommunications carrier shall  
12 provide the county documentation consisting of radio frequency  
13 engineering criteria and a corresponding telecommunications  
14 facility search ring map, together with documentation of the  
15 carrier's efforts to site the proposed facility within the  
16 telecommunications facility search ring.

17 (d) Within 21 days after receipt of the carrier's  
18 documentation, the county shall propose either an alternative  
19 site within the telecommunications facility search ring, or an  
20 alternative site outside of the telecommunications search ring  
21 that meets the radio frequency engineering criteria provided by  
22 the telecommunications carrier and that will not materially  
23 increase the construction budget beyond what was estimated on  
24 the original carrier proposed site.

25 (e) If the county's proposed alternative site meets the  
26 radio frequency engineering criteria provided by the

1 telecommunications carrier, and will not materially increase  
2 the construction budget beyond what was estimated on the  
3 original carrier proposed site, then the telecommunications  
4 carrier shall agree to build the facility at the alternative  
5 location, subject to the negotiation of a lease with  
6 commercially reasonable terms and the obtainment of the  
7 customary building permits.

8 (f) If the telecommunications carrier can demonstrate  
9 that: (i) the county's proposed alternative site does not meet  
10 the radio frequency engineering criteria, (ii) the county's  
11 proposed alternative site will materially increase the  
12 construction budget beyond what was estimated on the original  
13 carrier proposed site, (iii) the county has failed to provide  
14 an alternate site, or (iv) after a period of 90 days after  
15 receipt of the alternative site the telecommunications carrier  
16 has failed, after acting in good faith and with due diligence,  
17 to obtain a lease or at a minimum, a letter of intent to lease  
18 the alternative site at lease rates not materially greater than  
19 the lease rate for the original proposed site; then the carrier  
20 can proceed to permit and construct the site under the  
21 provisions and standards of Section 5-12001.1 of this Code.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."